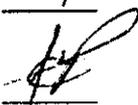




# AGENDA REPORT

Agenda Item  
Reviewed:  
City Manager  
Finance Director

7  
  
N/A

MEETING DATE: MAY 20, 2015

TO: JEFFREY C. PARKER, CITY MANAGER

FROM: DOUGLAS S. STACK, DIRECTOR OF PUBLIC WORKS/CITY ENGINEER

SUBJECT: ADOPTION OF URGENCY ORDINANCE NO. 1457 TO ADD CHAPTER 10 TO ARTICLE 4 OF THE TUSTIN CITY CODE REVISING THE WATER MANAGEMENT PLAN TO ACHIEVE A 28% STATE MANDATORY CONSERVATION TARGET, AND CONDUCT FIRST READING OF REGULAR ORDINANCE 1457.

## SUMMARY

On April 1, 2015, Governor Brown directed the State Water Resources Control Board (Water Board) to impose restrictions to achieve an aggregate statewide 25% reduction in potable urban water use through February 2016. The Executive Order stipulates the 25% reduction in water use as compared to 2013, but proposes flexibility in how to achieve this reduction in recognition of the level of conservation already achieved by different communities around the state. The Water Board has reviewed previous conservation amounts for each Water Supplier in the state and has determined that Tustin Water Services must reduce potable water consumption by 28% through February 2016.

## RECOMMENDATION

Staff recommends that the City Council:

1. Adopt by a 4/5ths roll call vote Ordinance No. 1457 on an urgency basis to add Chapter 10 of Article 4 to the Tustin City Code, revising the City's Water Management Plan; and
2. Conduct the first reading by title only of Ordinance 1457 and direct staff to schedule a public hearing at the next regular meeting of the City Council for second reading and adoption.

## FISCAL IMPACT

Staff anticipates a \$2M loss in water consumption revenue, which will be offset by savings in groundwater water production cost and import water purchases.

## CORRELATION TO THE STRATEGIC PLAN

This item contributes to the fulfillment of the City's Strategic Plan Goal D: Strong Community and Regional Relationships. Specifically, by implementing Strategy 2, which is to work collaboratively with agencies within and outside of Tustin on issues of mutual interest and concern.

## DISCUSSION AND BACKGROUND

Per the Governor's April 1, 2015 Executive Order, the Water Board has adopted new conservation regulations that water suppliers must adhere to. These include:

1. Implementing mandatory irrigation days for consumers;
2. Monthly reporting for the Commercial, Industrial, and Institutional sectors; and
3. Eliminating use of potable water to irrigate ornamental turf on public street medians.

The Executive Order also announced initiatives to replace turf with drought tolerant landscape options, support rebate programs for water efficient devices, and ensure water suppliers develop rate structures and pricing mechanisms to maximize water conservation. As a water supplier, Tustin Water Services must implement the items listed above, as well as any others to achieve the 28% reduction in total water use as determined by the Water Board.

The City Council held a public workshop on May 5, 2015 to discuss methods to achieve compliance with the State mandate. Staff has incorporated the items discussed and, in conjunction with the City Attorney, prepared Urgency Ordinance No. 1457 for the City Council's consideration. Urgency Ordinance No. 1457 would make the following changes to the water use restrictions in the Water Management Plan effective immediately.

### Stage 2

<u>Current</u>	<u>Proposed</u>
No designated irrigation days.	<i>Irrigation only permitted 2 days per week, and 1 day per week Nov 1 - Mar 31. Watering limited to a maximum of 15 minutes per irrigation station for high efficiency nozzles and drip irrigation. Watering limited to a maximum of 5 minutes for all other irrigation stations.</i>
Irrigation prohibited 10 a.m. to 6 p.m.	<i>Irrigation prohibited 6 a.m. to 6 p.m.</i>
Watering is permitted any time if a hand held hose equipped with a positive shut-off nozzle, hand held bucket, or drip irrigation is used.	<i>Prohibit any irrigation during and 48 hours following measureable rain. Measureable shall be considered one-quarter (1/4) inch or more.</i>
No washing of paved areas except to alleviate immediate fire or sanitation hazards.	<i>No Change</i>
No washing of vehicles unless using a hand held bucket and hose with a positive shut-off nozzle.	<i>No Change</i>
Irrigation of parks, school grounds, public facilities, and recreational fields prohibited 10 a.m. to 4 p.m.	<i>Irrigation of parks, school grounds, public facilities, and recreational fields prohibited 6 a.m. to 6 p.m.</i>
Restaurants shall not serve water unless specifically requested.	<i>No Change</i>
N/A	<i>Require hotels and motels to provide guests with the option of choosing not to have towels and linens laundered daily.</i>

Operation of ornamental fountains or similar structures prohibited unless reclaimed water is used.	<i>No Change</i>
N/A	<i>Requirement to repair leaks immediately.</i>
Agricultural users and commercial nurseries as defined in the Metropolitan Water District Code are exempt, but are required to curtail all non-essential water use.	<i>No Change</i>
N/A	<i>The “dump and fill” practice of swimming pool maintenance is prohibited. Pools may be topped off to prevent damage to pump and filter equipment.</i>
N/A	<i>Customers that utilize turf for beneficial public use may apply for an exemption from the designated irrigation day provision of Stage 2. A conservation plan shall be provided that provides specific actions that will be taken to reduce potable water use by the amount required by the State Water Resources Control Board.</i>

### Stage 3

<u>Current</u>	<u>Proposed</u>
Designated irrigation days: Odd numbered addresses on odd numbered days, even numbered addresses on even numbered days.	<i>Irrigation only permitted 1 day per week. Watering limited to a maximum of 15 minutes per irrigation station for high efficiency nozzles and drip irrigation. Watering limited to a maximum of 5 minutes for all other irrigation stations.</i>
N/A	<i>Prohibit any irrigation during and 48 hours following measureable rain. Measureable shall be considered one-quarter (1/4) inch or more.</i>
Washing of vehicles only permitted at commercial car washes using recycled water.	<i>No Change</i>
Commercial car washed not using reclaimed or recycled water required to reduce water use by 20%.	<i>No Change</i>
Irrigation of parks, school grounds, public facilities, and recreational fields prohibited 6 a.m. to 6 p.m.	<i>No Change</i>
The operation of ornamental fountains or similar structures is prohibited.	<i>No Change</i>

N/A	<i>The use of water for commercial, industrial, institutional, manufacturing or processing shall be essential use only, all outdoor irrigation is prohibited.</i>
N/A	<i>Can only fill pools that are covered.</i>
N/A	<i>Customers that utilize turf for beneficial public use may apply for an exemption from the designated irrigation day provision of Stage 3. A conservation plan shall be provided that provides specific actions that will be taken to reduce potable water use by the amount required by the State Water Resources Control Board.</i>

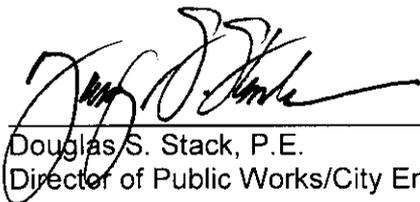
**Stage 4**

<u>Current</u>	<u>Proposed</u>
All outdoor irrigation is prohibited.	<i>No Change</i>
Washing of vehicles only permitted at commercial car washes using recycled water.	<i>No Change</i>
Commercial car washed not using reclaimed or recycled water required to reduce water use by 50%.	<i>No Change</i>
Filling, refilling, or adding water to swimming pools, spas, ponds and artificial lakes is prohibited.	<i>No Change</i>
Watering of parks, school grounds, public facilities and recreation fields is prohibited with the exception of plant materials classified to be rare, exceptionally valuable, or essential to the wellbeing of rare animals.	<i>No Change</i>
Use of water for agricultural or commercial nursery purposes, except for livestock watering, is prohibited.	<i>No Change</i>
New construction meters or permits for unmetered service will not be issued. Construction water shall not be used for earth work or road construction purposes.	<i>Except to maintain the health, safety and welfare of the public or as required by the AQMD Control Measure F-4.</i>

<p>The use of water for commercial, manufacturing or processing purposes shall be reduced in volume by 50%.</p>	<p><i>The use of water for commercial, industrial, institutional, manufacturing or processing purposes shall be reduced in volume by 50% or as mandated by the State Water Resources Control Board and limited to off-peak hours.</i></p>
<p>No water shall be used for air conditioning purposes.</p>	<p><i>No Change</i></p>

The Water Management Plan has not been updated since 1991. As a result, the penalty structure for violations of Urgency Ordinance No. 1457 and regular (permanent) Ordinance 1457 shall utilize the City’s administrative citation program.

Adoption of Urgency Ordinance No. 1457 would allow the changes to the Water Management Plan to become effective immediately. Staff and the City Attorney are recommending that at the same time the Council approves Ordinance 1457 as an urgency ordinance, the Council should approve the first reading of the regular (permanent) Ordinance 1457 by title only. Staff will then bring this item back to the City Council on June 2, 2015 for a noticed public hearing and for second reading and adoption of the regular ordinance. Adopting the urgency ordinance now and adopting the regular ordinance at the next meeting will result in the Water Management Plan immediately becoming and thereafter remaining part of the Tustin City Code, specifically Chapter 10 of Article 4 beginning with subsection 4950.




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Douglas S. Stack, P.E.  
 Director of Public Works/City Engineer

Attachment A: Urgency Ordinance No. 1457  
 Attachment B: Ordinance No. 1060

**ATTACHMENT A**  
**URGENCY ORDINANCE NO. 1457**

ORDINANCE NO. 1457

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TUSTIN,  
CALIFORNIA, FINDING AND DETERMINING THE NECESSITY FOR AND  
AMENDING THE WATER MANAGEMENT PLAN

The City Council of the City of Tustin does hereby ordain as follows:

SECTION 1: Findings. The City Council finds and determines as follows:

- A. Article X, Section 2 of the California Constitution declares that waters of the State are to be put to beneficial use, that waste, unreasonable use, or unreasonable method of use of water be prevented, and that water be conserved for the public welfare.
- B. Conservation of current water supplies and minimization of the effects of water supply shortages that are the result of drought are essential to the public health, safety and welfare.
- C. Regulation of the time of certain water use, manner of certain water use, design of rates, method of application of water for certain uses, installation and use of water-saving devices, provide an effective and immediately available means of conserving water.
- D. The California Water Code empowers any public entity which supplies water at retail or wholesale to adopt and enforce a water conservation program to reduce the quantity of water used by those within its service area.
- E. It is essential that this ordinance take effect upon adoption for the immediate preservation of the public peace, health or safety due to the statewide water emergency, and based upon the facts described below.
- F. On January 17, 2014, the Governor proclaimed a State of Emergency to exist throughout the State of California due to severe drought conditions. On April 25, 2014, the Governor issued a second proclamation declaring a continued State of Emergency and noting that drought conditions had persisted for the last three years.

- G. Governor Brown issued Executive Order B-29-15 on April 1, 2015 instituting emergency actions and mandatory water use reductions for the State of California and Urban Water Suppliers, including the City of Tustin.
- H. State snowpack levels, as indicated by manual surveys and automatic gauge measurements throughout the Sierra Nevada, have been below normal for four consecutive years. The official projections for the State of California show well below normal runoff for the fourth consecutive year. State runoff that replenishes the state's reservoir system, as indicated by the Department of Water Resources, has been below normal levels eight of the last nine years. Rainfall levels locally have been below normal for three consecutive years.
- I. The dry year storage available to Metropolitan Water District has been reduced by approximately 55 percent since January 2012. Storage in the state's reservoir system is well below normal levels, with Lake Oroville at 50 percent of capacity. Runoff in the Colorado River system, as indicated by the Bureau of Reclamation, has been below normal levels 13 of the last 16 years. Storage in the Colorado River system is well below normal levels, with Lake Mead at 40 percent of capacity.
- J. A potable water shortage now exists so it is vital for the City, as an urban water supplier, and for its customers to take immediate action to restrict certain uses of water to conserve this limited and vital resource.
- K. In the future, water conservation conditions will be found to exist upon the occurrence of one or more of the following:
1. An Executive Order and/or Declaration issued by the Governor.
  2. A general local or state-wide water supply shortage due to limited supplies.
  3. Distribution or storage facilities of the Metropolitan Water District of Southern California, the Municipal Water District of Orange County, the East Orange County Water District, or the City of Tustin become inadequate.
  4. A major failure of the supply, storage and distribution facilities of the Metropolitan Water District of Southern California, the Municipal Water

District of Orange County, the East Orange County Water District, or of the City of Tustin occurs.

- L. The conditions prevailing in the State and in the Orange County area require that the available water resources be put to maximum beneficial use to the extent to which they are capable, and that the waste or unreasonable use, excessive runoff, or unreasonable method of use, of water be prevented and that the conservation of such water be encouraged with a view to the maximum reasonable and beneficial use thereof in the interests of the people served by the City of Tustin and for the public welfare.

SECTION 2: Repeal of Ordinance 1060. This Ordinance supersedes the provisions of Ordinance No. 1060. Ordinance No. 1060 shall be repealed effective upon the effective date of this Ordinance.

SECTION 3. CEQA Exemption. The City Council of the City of Tustin finds that this Ordinance and actions taken pursuant to this Ordinance are exempt from the California Environmental Quality Act as specific actions necessary to prevent or mitigate an emergency pursuant to Public Resources Code Section 21080(b)(4) and the California Environmental Quality Act Guidelines Section 15269(c) and as an action taken by a regulatory agency as authorized by state law and local ordinance to maintain, restore or enhance a natural resource (limited water supplies).

The City Clerk of the City of Tustin is hereby authorized and directed to file a Notice of Exemption as soon as possible following adoption of this Ordinance.

SECTION 4: Chapter 10 of Article 4 of the Tustin City Code is hereby added to read as follows:

- 4950. Declaration of Policy. The California Water Code permits public entities which supply water at retail to adopt and enforce a water conservation program to reduce the quantity of water used by the people therein for the purpose of conserving the water supplies of such public entity. The City Council of the City of Tustin hereby establishes a comprehensive Water Conservation Program pursuant to the California Water Code based upon the need to conserve water supplies and to avoid or minimize the effects of any future shortages. This Chapter establishes regulations to be implemented during times of declared water shortages. It establishes four stages of drought response actions to be implemented

in times of shortage, with increasing restrictions on water use in response to worsening drought conditions and decreasing available supplies;

4951. Application. The provisions of this Article shall apply to all persons, customers, and property served by the City of Tustin water service.

4951. Authorization. The City Manager and his or her designated representatives are hereby authorized and directed to implement the provisions of this Ordinance. Each "Enforcement Officer" as that term is used in Part 6 of Chapter 1 of Article 1 of the Tustin City Code are authorized to enforce this Chapter through administrative citation proceedings.

4952. Water Conservation Stages. No customer of the City shall knowingly make, cause, use, or permit the use of water supplied by the City for residential, commercial, industrial, institutional, manufacturing, agricultural, governmental or any other purpose in a manner, or during a period of time, prohibited by this Chapter. AT NO TIME SHALL WATER BE WASTED OR USED UNREASONABLY. The following stages of restrictions shall take effect upon declaration as provided in Section 4953.

A. STAGE 1 – VOLUNTARY COMPLIANCE – WATER WATCH.

STAGE 1 applies during periods when the City determines, in its sole discretion, that due to drought or other water supply conditions, a water supply shortage or threatened shortage exists and a consumer demand reduction is necessary to make more efficient use of water and appropriately respond to existing water conditions. Notice of the reduction required of City customers shall be promptly given by the means deemed most effective by the City Manager or designee(s). During STAGE 1, all elements of STAGE 2 shall apply, but shall apply on a voluntary basis only.

B. STAGE 2 – MANDATORY COMPLIANCE – WATER ALERT.

STAGE 2 applies during periods when the City determines, in its sole discretion, that due to drought or other water supply conditions, a water supply shortage or threatened shortage exists and a mandatory consumer demand reduction is necessary to make more efficient use of water and appropriately respond to existing water conditions. The Declaration and Notice of the reduction required of

City customers shall be given in accordance with Section 4953. During STAGE 2, the following water conservation measures shall apply except when reclaimed or recycled water is used.

1. Between April 1 and October 31, lawn watering and landscape irrigation will be limited to two days a week, including construction meter irrigation, and is not permitted between the hours of 6:00 a.m. and 6:00 p.m. Any high efficiency sprinkler nozzle that qualifies for a rebate from the Metropolitan Water District of Southern California and drip irrigation or a similar water efficient watering system shall be limited to a maximum of 15 minutes per irrigation station. All other irrigation is limited to a maximum of 5 minutes per irrigation station. A "designated irrigation day" is determined by the last digit in the street address. Properties with addresses ending in an even number may use water on Tuesday and Saturday. Addresses ending with an odd number may use water on Wednesday and Sunday.

During the period from November 1 and March 31, lawn watering and landscape irrigation will be further limited to one day a week, with even-numbered street addresses watering on Tuesday and odd-numbered street addresses watering on Wednesday.

"Even-numbered" means street addresses ending with the following numerals: 0 (Zero), 2 (Two), 4 (Four), 6 (Six), 8 (Eight). Street addresses ending in  $\frac{1}{2}$  or any fraction shall conform to the permitted uses for the last whole number in the address.

"Odd-numbered" means street addresses ending with the following numerals: 1 (One), 3 (Three), 5 (Five), 7 (Seven), 9 (Nine). Street addresses ending in  $\frac{1}{2}$  or any fraction shall conform to the permitted uses for the last whole number in the address.

No Customer of the City shall water or irrigate any lawn, landscape, or other vegetated area in a manner that causes or allows water flow or runoff onto an adjoining sidewalk, driveway, street, gutter or ditch.

2. Irrigation of landscapes shall not occur during and forty eight (48) hours following measureable precipitation. "Measurable

precipitation" shall mean a one-quarter (1/4) inch or more of rainfall falling within the City of Tustin within any 24-hour period.

3. Water shall not be used to wash down streets, gutters, sidewalks, driveways, parking areas, tennis courts, patios, pool decks, or other paved areas, except to alleviate immediate fire or sanitation hazards. Water shall not be used in a manner that causes runoff such that water flows onto adjacent property, non-irrigated areas, private or public walkways, roadways, parking lots, or structures.
4. Washing of autos, trucks, mobile homes, buses, trailers, boats, airplanes and other types of mobile equipment shall be limited to quick rinses and be done with a hand-held bucket or a hand-held hose equipped with a positive shut-off nozzle. Washing is permitted at any time on the immediate premises of a commercial car wash. Further, such washing is exempted from these regulations where health, safety and welfare of the public is contingent upon frequent vehicle cleaning such as garbage trucks and vehicles used to transport food and perishables.
5. Watering parks, school grounds, public facilities, and recreational fields is not permitted between the hours of 6:00 a.m. and 6:00 p.m.
6. Restaurants shall not serve water to their customers except when specifically requested.
7. Hotels and motels must provide guests with the option of choosing not to have towels and linens laundered daily and shall prominently display notice of this option in each guestroom.
8. The operation of any ornamental fountain or similar structure is prohibited unless the fountain or structure internally recycles the water it uses.
9. All water leaks shall be repaired immediately.
10. Agriculture users and commercial nurseries as defined in the Metropolitan Water District Code are exempt from STAGE 2

irrigation restrictions, but will be required to curtail all non-essential water use.

11. The “dump and fill” practice of swimming pool maintenance is prohibited. Pools may be topped off to prevent damage to pump and filter equipment.
12. Customers that utilize turf for beneficial public use may apply for an exemption from the designated irrigation day provision of Stage 2. A conservation plan shall be provided that provides specific actions that will be taken to reduce potable water use by the amount required by the State Water Resources Control Board. Designated irrigation days shall remain in effect until the City has reviewed and approved the customer conservation plan. Exemptions shall be revoked if required conservation amounts are not met.
13. Exceptions: The restrictions in STAGE 2, subsections 1 through 11 above are not applicable to that use of water necessary for public health and safety or for essential governmental services such as police, fire and other similar emergency services, or when the use is necessary to comply with a term or condition in a permit issued by a City, state or federal agency.

C. STAGE 3 – MANDATORY COMPLIANCE – WATER WARNING.

STAGE 3 applies during periods when the City determines, in its sole discretion, that due to drought or other water supply conditions, a water supply shortage or threatened shortage exists and a further consumer demand reduction is necessary beyond that which is likely to be achieved through STAGE 2 restrictions, in order to make more efficient use of water and appropriately respond to existing water conditions. Declaration and Notice of the reductions required of City customers shall be given in accordance with Section 4953. During STAGE 3, all provisions of STAGE 2 shall remain in effect or take effect in addition to, and except as amended by, the following mandatory water conservation measures. These restrictions continue to apply except when reclaimed or recycled water is used.

1. Lawn watering and landscape irrigation will be limited to one day a week, including construction meter irrigation, and is permitted only on designated irrigation days and only between the hours of 6:00 p.m. and 6:00 a.m. Any high efficiency sprinkler nozzle that qualifies for a rebate from the Metropolitan Water District of Southern California and drip irrigation or a similar water efficient watering system shall be limited to a maximum of 15 minutes per irrigation station. All other irrigation is limited to a maximum of 5 minutes per irrigation station. A "designated irrigation day" is determined by the last digit in the street address. Properties with addresses ending in an even number may water lawns and landscape on Tuesday. Addresses ending with an odd number may water lawns and landscape on Wednesday.

Irrigation of landscapes shall not occur during and for forty eight (48) hours following measureable precipitation. "Measurable precipitation" shall mean a one-quarter (1/4) inch or more of rainfall falling within the City of Tustin within any 24-hour period.

2. Washing of autos, trucks, mobile homes, buses, trailers, boats, airplanes and other types of mobile equipment is prohibited. Washing is permitted at any time on the immediate premises of a commercial car wash. The use of water by all types of commercial car washes not using partially reclaimed or recycled water shall be reduced in volume by 20%. Further, such washings are exempted from these regulations where the health, safety and welfare of the public is contingent upon frequent vehicle cleaning such as garbage trucks and vehicles used to transport food and perishables.
3. Agricultural users and commercial nurseries shall use water only between the hours of 6:00 p.m. and 6:00 a.m. and may be subject to additional restrictions if the state, regional or local agency or jurisdiction deems necessary. The City will make a good faith effort to inform agricultural users and commercial nurseries of any such restrictions. Monetary penalties will be passed through to agricultural customers, if assessed by the State Water Resources Control Board, Metropolitan Water District of Southern California, or Municipal Water District of Orange County.

4. The operation of any ornamental fountain or similar structure is prohibited at all times, even when recycled water is used.
  5. Construction water shall not be used for earthwork or road construction purposes unless authorized as a mitigation or erosion control, compaction or backfilling earthwork or as required by the Air Quality Management Plan (AQMP) Control Measure F-4.
  6. The use of water for commercial, industrial, institutional, manufacturing or processing purposes shall be essential use only. All outdoor irrigation is prohibited.
  7. Filling of uncovered pools is prohibited.
  8. Customers that utilize turf for beneficial public use may apply for an exemption from the designated irrigation day provision of Stage 3. A conservation plan shall be provided that provides specific actions that will be taken to reduce potable water use by the amount required by the State Water Resources Control Board. Designated irrigation days shall remain in effect until the City has reviewed and approved the customer conservation plan. Exemptions shall be revoked if required conservation amounts are not met.
  9. Exceptions: The restrictions in STAGE 3, subsections 1 through 7 above are not applicable to that use of water necessary for public health and safety or for essential governmental services such as police, fire and other similar emergency services, or when the use is necessary to comply with a term or condition in a permit issued by a City, state or federal agency.
- D. STAGE 4 – MANDATORY COMPLIANCE – WATER EMERGENCY.  
STAGE 4 applies when the City determines, in its sole discretion, that due to drought or other water supply conditions, a water supply shortage or threatened shortage exists and a further consumer demand reduction is necessary beyond that which is likely to be achieved through STAGE 3 restrictions, in order to make more efficient use of water and appropriately respond to existing water

conditions, or a major failure of any supply or distribution facility, whether temporary or permanent, occurs in the water distribution system of the State Water Project, Metropolitan Water District of Southern California, Municipal Water District of Orange County, East Orange County Water District or City facilities. Notice of the reduction required of City customers shall be promptly given in accordance with Section 4953. During STAGE 4, all provisions of STAGES 2 and 3 shall remain in effect or take effect in addition to, and except as amended by, the following additional mandatory water conservation measures. These restrictions shall continue to apply except when reclaimed or recycled water is used:

1. All outdoor irrigation of vegetation is prohibited.
2. Washing of autos, trucks mobile homes, buses, trailers, boats, airplanes and other types of mobile equipment is prohibited. Washing is permitted at any time upon the immediate premises of a commercial car wash. The use of water by all types of commercial car washes shall be reduced in volume by 50%. Further, such washings are exempted from these regulations where the health, safety and welfare of the public is contingent upon frequent vehicle cleaning such as garbage trucks and vehicles used to transport food and perishables.
3. Filling, refilling or adding of water to swimming pools, spas, ponds and artificial lakes is prohibited.
4. Watering of parks, school grounds, public facilities and recreation fields is prohibited with the exception of plant materials classified to be rare, exceptionally valuable, or essential to the wellbeing of rare animals.
5. The use of water from fire hydrants shall be limited to firefighting or related activities necessary to maintain the health, safety and welfare of the public.
6. Use of water for agricultural or commercial nursery purposes, except for livestock watering, is prohibited.

7. New construction meters or permits for unmetered service will not be issued. Construction water shall not be used for earth work or road construction purposes, except to maintain the health, safety and welfare of the public or as required by the Air Quality Management Plan (AQMP) Control Measure F-4.
8. The use of water for commercial, industrial, institutional, manufacturing or processing purposes shall be reduced in volume by 50% or as mandated by the State Water Resources Control Board and limited to off-peak hours, whichever is greater.
9. No water shall be used for air conditioning purposes.
10. Exceptions: The restrictions in STAGE 4 subsections 1 through 9 above are not applicable to that use of water necessary for public health and safety or for essential governmental services such as police, fire and other similar emergency services, or when the use is necessary to comply with a term or condition in a permit issued by a City, state or federal agency.

4953. Mandatory Conservation Phase Implementation.

- A. The City shall monitor the projected supply and demand for water by its customers on a daily basis.
- B. The City Manager shall determine the extent of the conservation required through the implementation and/or termination of particular conservation stages in order for the City to prudently plan for the supply water to its customers and/or to comply with regulations and/or restrictions implemented by the State Water Resources Control Board, Metropolitan Water District of Southern California, Municipal Water District of Orange County, or East Orange County Water District. Thereafter, the City Manager may order that the appropriate stage of water conservation be implemented or terminated in accordance with the applicable provision of this Ordinance.
- C. The declaration of STAGE 2, STAGE 3 or STAGE 4 shall be made by public announcement and notice shall be published a minimum of once per week for three (3) consecutive weeks in a newspaper of general

circulation. The stage designated shall become effective immediately upon announcement.

- D. The declaration of any STAGE 2, STAGE 3 or STAGE 4 shall be reported to the City Council at its next regular meeting. The City Council shall thereupon ratify the declaration, rescind the declaration, or direct the declaration of a different stage.

4954. Failure to Comply.

- A. Each day a violation of this Chapter occurs is a separate offense subject to a separate fine.
- B. During a STAGE 1 condition as provided herein, compliance with the Stage 1 conservation measures are voluntary and generally will not result in fines or notices of violation, except when it is determined that unreasonable waste or unreasonable use of water has occurred.
- C. Following a declaration of a STAGE 2, STAGE 3 or STAGE 4 condition, administrative citations shall be issued to violators of the applicable restrictions of such STAGE. Administrative citations shall be issued in accordance with the procedures set forth in Part 6 of Chapter 1 of Article 1 of the Tustin City Code.
- D. The first violation of this Chapter by any violator shall subject the violator to a fine of One-Hundred dollars (\$100.00). Upon a second violation of any provision of this Chapter within one (1) year from the date of the first violation, the violator shall be subject to a fine of Two-Hundred dollars (\$200.00). Upon a third and each subsequent violation of any provision of this Chapter within one (1) year from the date of the first violation, the violator shall be subject to a fine of Five Hundred dollars (\$500.00).
- E. Upon the fifth violation of any provision of this Chapter within any two (2) year period, the City may install a flow restricting device in the customer's water service line for a period not less than 48 hours and until the customer satisfies the City that the failure to comply will not continue. In addition to demonstrating to the City's satisfaction that the failure to comply will not continue, the customer shall pay all applicable fines prior to removal of the flow restricting device.

- F. For the sixth and each subsequent violation of any provision of this Chapter within any two (2) year period, the City may discontinue water service for a period of not less than 24 hours and until the customer satisfies the City that the failure to comply will not continue. In addition to demonstrating to the City's satisfaction that the failure to comply will not continue, the customer shall pay all applicable fines and service charges for restoration of service prior to the restoration of water service.
- G. Nothing herein limits the availability of any other civil or criminal remedy, sanction, penalty, fine, or order, that is authorized, or that may hereafter be authorized, for violation of the Tustin City Code, or for violation of any Federal or State law.

4955. Regulatory Fine Recovery. To the extent that a City water customer causes or contributes to causing a regulatory agency to levy a fine against the City resulting from that customer's violations of one or more provisions of this Chapter, the customer shall, within thirty days of mailing of written demand from the City, reimburse the City for the fine, or such portion of the fine as such customer contributed to causing, and associated administrative costs, if any.

4956. Appeal Procedures.

- A. Appeals of any administrative citations or other, fine, penalty, or notice issued pursuant to this Chapter shall be made in accordance with the procedures set forth in Part 6 of Chapter 1 of Article 1 of the Tustin City Code.
- B. A declaration of any water conservation STAGE may be appealed by any individual and may be appealed only to the City Council. An appeal of a declaration of water conservation STAGE shall be filed with the City Clerk during normal business hours within ten (10) calendar days of the date of the declaration and shall be accompanied by a deposit or fee as required by City Council resolution or ordinance. Any such appeal shall be made in writing and shall specify the declaration appealed from, the specific action or relief sought by the appellant in the appeal, and the reasons why the declaration should be modified or reversed. Filing of a written appeal shall not stay the effective date of a declaration. A

hearing date shall be set within sixty (60) calendar days of filing of the appeal for the City Council to decide whether a sufficient basis exists for the existing declaration of the water conservation STAGE, or if a different STAGE should be declared. At the conclusion of the hearing, the City Council may uphold, modify or reverse the declaration, or may decide to take no further action on the appeal. A decision of the City Council on such appeal shall be final.

SECTION 5. Property Maintenance Standards - Landscaping. Tustin City Code Sections 5502m(1) and 5502m(2) shall be amended to read as follows:

5502m(1). Landscaping. All landscaping shall be maintained in a condition free of dead, decayed, overgrown or discarded plant material. During the pendency of any Water Conservation Stage 2, 3 or 4 declared pursuant to Chapter 10 of Article 4 of the City Code, it shall be acceptable to allow lawns and other live turf to go dormant, however all other dead decayed, overgrown or discarded plant material shall be removed. All synthetic turf material shall be maintained in accordance with the Synthetic Turf Standards and subject to the approval of the Community Development Director.

5502m(2). Landscape irrigation. Landscape irrigation pipes and sprinkler heads shall be maintained in good working order so as to cover all landscaped areas. During the pendency of any Water Conservation Stage 2, 3 or 4 declared pursuant to Chapter 10 of Article 4 of the City Code, landscape irrigation pipes and sprinkler heads shall be maintained to prevent leaks and overspray on to solid surfaces such as streets, sidewalks, driveways, or walkways.

SECTION 6. Property Maintenance Standards Paved Areas. Tustin City Code Section 9267c shall be amended to read as follows:

9267c. Paved Areas. Paved areas may be improved with impervious materials including, but not limited to, concrete, bricks, slate or stone tiles, decorative stamped concrete, or any other permanent hardscape. No decomposed granite, gravel, or other loose materials shall be allowed.

1. During the pendency of any Water Conservation Stage 2, 3 or 4 declared pursuant to Chapter 10 of Article 4 of the City Code,

unimproved and/or unpaved portions of the front yard setback area in residential districts or front yards in commercial or industrial districts shall be improved and maintained with appropriate landscaping that is free of weeds and overgrown plant material and/or synthetic turf maintained in accordance with the Synthetic Turf Standards and subject to the approval of the Community Development Director.

2. At all times other than during the pendency of any Water Conservation Stage 2, 3 or 4, unimproved and/or unpaved portions of the front yard setback area in residential districts or front yards in commercial or industrial districts shall be improved and maintained with appropriate landscaping in a healthy and vigorous condition and/or synthetic turf maintained in accordance with the Synthetic Turf Standards and subject to the approval of the Community Development Director.

SECTION 7. Effective Date. This ordinance shall take effect immediately upon adoption.

SECTION 8. Publication. The City Clerk shall cause this ordinance to be published in a newspaper of general circulation within 10 days after its adoption. Delay in publishing the ordinance or delay in publishing notice as herein required shall not delay the effective date of this Ordinance or of the declaration of conservation STAGE.

SECTION 9. Severability. If any section, sub-section, clause or phrase in this Ordinance or the application thereof to any person or circumstances is for any reason held invalid, the validity of the remainder of this Ordinance or the application of such provisions to other persons or circumstances shall not be affected.

PASSED AND ADOPTED by the City Council of the City of Tustin at the special meeting held on 20th day of May, 2015.

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CHARLES E. PUCKETT, Mayor

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JEFFREY C. PARKER, City Clerk

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) ss  
CITY OF TUSTIN )

CERTIFICATION FOR ORDINANCE NO. 1457

JEFFREY C. PARKER, City Clerk and ex-officio Clerk of the City Council of the City of Tustin, California, do hereby certify that the whole number of the members of the City Council of the City of Tustin is five; that the above and foregoing Ordinance 1457 was duly passed and adopted at a special meeting of the Tustin City Council held on the 20<sup>th</sup> day of May, 2015, by the following vote:

COUNCILMEMBER AYES: \_\_\_\_\_  
COUNCILMEMBER NOES: \_\_\_\_\_  
COUNCILMEMBER ABSTAINED: \_\_\_\_\_  
COUNCILMEMBER ABSENT: \_\_\_\_\_

**ATTACHMENT B**  
**ORDINANCE NO. 1060**

ORDINANCE NO. 1060

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TUSTIN,  
CALIFORNIA, FINDING AND DETERMINING THE NECESSITY FOR AND  
ADOPTING A WATER MANAGEMENT PROGRAM

The City Council of the City of Tustin does hereby ordain as follows:

SECTION 1. Declaration of Policy. California Water Code Sections 375 et seq. permit public entities which supply water at retail to adopt and enforce a water conservation program to reduce the quantity of water used by the people therein for the purpose of conserving the water supplies of such public entity. The City Council of the City of Tustin hereby establishes a comprehensive water conservation program pursuant to California Water Code Sections 375 et seq., based upon the need to conserve water supplies and to avoid or minimize the effects of any future shortage.

SECTION 2. Findings. The City Council of the City of Tustin finds and determines that a water shortage will exist upon the occurrence of one or more of the following:

- (A) A general water supply shortage due to limited supplies.
- (B) Distribution or storage facilities of the Metropolitan Water District of Southern California, the Municipal Water District of Orange County, the East Orange County Water District, or the City of Tustin become inadequate.
- (C) A major failure of the supply, storage and distribution facilities of the Metropolitan Water District of Southern California, the Municipal Water District of Orange County, the East Orange County Water District, or of the City of Tustin occurs.

The City Council of the City of Tustin also finds and determines that the conditions prevailing in State and in the Orange County area require that the water resources available be put to maximum beneficial use to the extent to which they are capable, and that the waste or unreasonable use, or unreasonable method of use, of water be prevented and that the conservation of such water encouraged with a view to the maximum reasonable and beneficial use thereof in the interests of the people of the City of Tustin and for the public welfare.

SECTION 3. CEQA Exemption. The City Council of the City of Tustin finds that this Ordinance and actions taken hereafter pursuant to this Ordinance are exempt from the California Environmental Quality Act as specific actions necessary to prevent or mitigate an emergency pursuant to Public Resources Code Section 21080(b) (4) and the California Environmental Quality Act Guidelines Section 15269(c).

1 The City Manager of the City of Tustin is hereby authorized and directed  
2 to file a Notice of Exemption as soon as possible following adoption of  
3 this Ordinance.

4 SECTION 4. Application. The provisions of this Ordinance  
5 shall apply to all persons, customers, and property served by the City  
6 of Tustin water service.

7 SECTION 5. Authorization. The City Manager or a  
8 designated representative is hereby authorized and directed to implement  
9 the provisions of this Ordinance.

10 SECTION 6. Water Conservation Stages. No customer of the City  
11 shall knowingly make, cause, use, or permit the use of water supplied by  
12 the City for residential, commercial, industrial, agricultural,  
13 governmental or any other purpose in a manner in excess of the amounts  
14 authorized by this Ordinance, or during any period of time other than the  
15 periods of time specified in this Ordinance. AT NO TIME SHALL WATER BE  
16 WASTED OR USED UNREASONABLY. The following stages shall take effect upon  
17 declaration as herein provided.

18 (A) STAGE 1 - VOLUNTARY COMPLIANCE - WATER WATCH. STAGE 1  
19 applies during periods when the possibility exists that the  
20 City will not be able to meet all of the demands of its  
21 customers. During STAGE 1, all elements of STAGE 2 shall  
22 apply on a voluntary basis only.

23 (B) STAGE 2 - MANDATORY COMPLIANCE - WATER ALERT. STAGE 2  
24 applies during periods when the probability exists that the  
25 City will not be able to meet all of the water demands of  
26 its customers or when statewide shortages cause a need for  
27 local conservation measures to be implemented. During STAGE  
28 2, the following water conservation measures shall apply  
except when reclaimed or recycled water is used.

1. Lawn watering and landscape irrigation, including construction meter irrigation, is not permitted between the hours of 10:00 a.m. and 6:00 p.m. any day. Watering is permitted at any time if a hand-held hose equipped with a positive shut-off nozzle is used, a hand-held faucet-filled bucket of five (5) gallons or less is used, or a drip irrigation system is used. Watering shall be done as needed only.
2. Water shall not be used to wash down streets, gutters, sidewalks, driveways, parking areas, tennis courts, patios, pool decks, or other paved areas, except to alleviate immediate fire or sanitation hazards.
3. Washing of autos, trucks, mobile homes, buses, trailers, boats, airplanes and other types of mobile equipment shall be done with a hand-held bucket or a hand-held hose equipped with a positive shut-off nozzle

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for quick rinses. Washing is permitted at any time on the immediate premises of a commercial car wash. Further, such washing is exempted from these regulations where health, safety and welfare of the public is contingent upon frequent vehicle cleaning such as garbage trucks and vehicles used to transport food and perishables.

4. Watering parks, school grounds, public facilities, and recreational fields is not permitted between the hours of 10:00 a.m. and 4:00 p.m.
5. Restaurants shall not serve water to their customers except when specifically requested.
6. The operation of any ornamental fountain or similar structure is prohibited unless reclaimed water is used.
7. Agriculture users and commercial nurseries as defined in the Metropolitan Water District Code are exempt from STAGE 2 irrigation restrictions, but will be required to curtail all non-essential water use.

(C) STAGE 3 - MANDATORY COMPLIANCE - WATER WARNING. STAGE 3 applies during periods when the City will not be able to meet all the water demands of its customers. During STAGE 3, the following water conservation measures shall apply except when reclaimed or recycled water is used.

1. Lawn watering and landscape irrigation, including construction meter irrigation, is permitted only on designated irrigation days and only between the hours of 6:00 p.m. and 6:00 a.m. A "designated irrigation day" is determined by the last digit in the street address. Properties with addresses ending in an even number may use water on even numbered days and addresses ending with an odd number may use water on odd numbered days.
2. Water shall not be used to wash down streets, gutters, sidewalks, driveways, parking areas, tennis courts, patios, pool decks, or other paved areas, except to alleviate immediate fire or sanitation hazards.
3. Washing of autos, trucks, mobile homes, buses, trailers, boats, airplanes and other types of mobile equipment is prohibited. Washing is permitted at any time on the immediate premises of a commercial car wash. The use of water by all types of commercial car washes not using partially reclaimed or recycled water shall be reduced in volume by 20%. Further, such washings are exempted from these regulations where the health, safety and welfare of the public is contingent upon frequent vehicle cleaning such as garbage trucks and vehicles used to transport food and perishables.

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4. Watering parks, school grounds, public facilities, and recreational fields is permitted only after 6:00 p.m. and before 6:00 a.m.
5. The use of water from fire hydrants shall be limited to fire fighting and related activities, or other activities necessary to maintain the health, safety and welfare of the public.
6. Agricultural users and commercial nurseries shall use water only between the hours of 6:00 p.m. and 6:00 a.m.
7. Restaurants shall not serve water to their customers except when specifically requested.
8. The operation of any ornamental fountain or similar structure is prohibited.
9. All water leaks shall be repaired immediately.
10. Construction water shall not be used for earthwork or road construction purposes unless authorized as a mitigation or erosion control, compaction or backfilling earthwork or as required by the Air Quality Management Plan (AQMP) Control Measure F-4.
11. Exceptions: The prohibited uses of water are not applicable to that use of water necessary for public health and safety or for essential governmental services such as police, fire and other similar emergency services.

(D) STAGE 4 - MANDATORY COMPLIANCE - WATER EMERGENCY. STAGE 4 applies when a major failure of any supply or distribution facility, whether temporary or permanent, occurs in the water distribution system of the State Water Project, Metropolitan Water District of Southern California, Municipal Water District of Orange County, East Orange County Water District or City facilities. During STAGE 4, the following water conservation measures shall apply except when reclaimed or recycled water is used:

1. All outdoor irrigation of vegetation is prohibited.
2. Water shall not be used to wash down streets, gutters, sidewalks, driveways, parking areas, tennis courts, patios, pool decks, or other paved areas, except to alleviate immediate fire or sanitation hazards.
3. Washing of autos, trucks, mobile homes, buses, trailers, boats, airplanes and other types of mobile equipment is prohibited. Washing is permitted at any time upon the immediate premises of a commercial car wash. The use of water by all types of commercial car washes shall be reduced in volume by 50%. Further, such washings are

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exempted from these regulations where the health, safety and welfare of the public is contingent upon frequent vehicle cleaning such as garbage trucks and vehicles used to transport food and perishables.

4. Filling, refilling or adding of water to swimming pools, spas, ponds and artificial lakes is prohibited.
5. Watering of parks, school grounds, public facilities and recreation fields is prohibited with the exception of plant materials classified to be rare, exceptionally valuable, or essential to the well being of rare animals.
6. The use of water from fire hydrants shall be limited to fire fighting or related activities necessary to maintain the health, safety and welfare of the public.
7. Use of water for agricultural or commercial nursery purposes, except for livestock watering, is prohibited.
8. Restaurants shall not serve water to their customers except when specifically requested.
9. The operation of any ornamental fountain or similar structure is prohibited.
10. New construction meters or permits for unmetered service will not be issued. Construction water shall not be used for earth work or road construction purposes.
11. The use of water for commercial, manufacturing or processing purposes shall be reduced in volume by 50%.
12. No water shall be used for air conditioning purposes.
13. All water leaks shall be repaired immediately.
14. Exceptions: The prohibited uses of water are not applicable to that use of water necessary for public health and safety or for essential governmental services such as police, fire and other similar emergency services.

SECTION 7. Mandatory Conservation Phase Implementation.

The City shall monitor the projected supply and demand for water by its customers on a daily basis. The City Manager shall determine the extent of the conservation required through the implementation and/or termination of particular conservation stages in order for the City to prudently plan for and supply water to its customers. Thereafter, the City Manager may order that the appropriate stage of water conservation be implemented or terminated in accordance with the applicable provision of this Ordinance. The declaration of any stage beyond STAGE I shall be made by public announcement and notice shall be published a minimum of three (3) consecutive times in a newspaper of general circulation. The stage

1 designated shall become effective immediately upon announcement. The  
2 declaration of any stage beyond STAGE 1 shall be reported to the City  
3 Council at its next regular meeting. The City Council shall thereupon  
4 ratify the declaration, rescind the declaration, or direct the declaration  
5 of a different stage.

6 SECTION 8. FAILURE TO COMPLY.

7 (A) Following a declaration of a Stage 1 condition as provided  
8 herein, upon the occurrence of violations of any of the  
9 provisions of this ordinance, City shall cause written notice  
10 to be given to each violator.

11 (B) Following a declaration of a Stage 2 condition as provided  
12 herein, citations shall be issued to violators. The first  
13 violation by any violator shall subject the violator to a fine  
14 of Twenty-Five dollars (\$25.00). Upon a second violation, the  
15 violator shall be subject to a fine of Thirty-Five dollars  
16 (\$35.00). Upon a third violation, the violator shall be  
17 subject to a fine of Forty-Five dollars (\$45.00). Upon a  
18 fourth violation, the violator shall be subject to a fine of  
19 Fifty-Five dollars (\$55.00).

20 (C) For the fifth violation, the City may install a flow  
21 restricting device in the customer's water service line for a  
22 period not less than 48 hours and until the customer satisfies  
23 the City that the failure to comply will not continue. The  
24 charge for installing and removing the flow restricting device  
25 shall be \$65.00 and shall be paid by the customer prior to  
26 removal.

27 (D) For the sixth and each subsequent violation, the City may  
28 discontinue water service for a period of not less than 24  
hours and until the customer satisfies the City that the  
failure to comply will not continue. The customer shall pay  
\$70.00 for restoration of water service.

SECTION 9. Appeal Procedure. A customer shall have the right to  
appeal by filing a written request for appeal within five days with the  
City Manager or his designee. Within ten days after receipt of such a  
request, a written decision shall be issued. The City Council or their  
designee shall be the final appeal body on all decisions.

SECTION 10. Severability. If any section, sub-section, clause  
or phrase in this Water Conservation Ordinance or the application thereof  
to any person or circumstances is for any reason held invalid, the  
validity of the remainder of the Conservation Ordinance or the application  
of such provisions to other persons or circumstances shall not be  
affected.

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PASSED AND ADOPTED by the City Council of the City of Tustin at a regular meeting held on the 18th day of March, 1991.

*Richard B. Edgar*  
RICHARD B. EDGAR, Mayor

*Mary E. Wynn*  
MARY E. WYNN, City Clerk

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) SS  
CITY OF TUSTIN )

CERTIFICATION FOR ORDINANCE NO. 1060

MARY E WYNN, City Clerk and ex-officio Clerk of the City Council of the City of Tustin, California, does hereby certify that the whole number of the members of the City Council is five; that the above and foregoing Ordinance was duly and regularly read and introduced at a meeting of the City Council held on the 4th day of March, 1991, and was given its second reading and duly passed and adopted at a meeting of the City Council held on the 18th day of March, 1991, by the following roll call vote:

COUNCILMEMBER AYES: Edgar, Puckett, Pontious, Potts, Prescott  
COUNCILMEMBER NOES: None  
COUNCILMEMBER ABSTAINED: None  
COUNCILMEMBER ABSENT: None

*Mary E. Wynn*  
Mary E. Wynn, City Clerk

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